



"MESKWAKI NATION"

Sac & Fox Tribe of the Mississippi in Iowa

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February 28, 2006

Dear Tribal Member,

You have been mailed the attached information for the purpose of keeping you informed of the Tribal Council's efforts to strengthen our Tribal Court system. The Tribe is pursuing legislation through the Iowa legislature this year regarding a reciprocal full faith & credit provision.

The information that is attached to this letter provides you with a series of questions and answers to help explain what full faith & credit is, and what it does. Please take the time to read this information. There is a petition being circulated to allow tribal members to sign on in support of the Tribal Council's efforts regarding this legislation.

The petition will help us to signify to the Iowa legislature that the Meskwaki community is in the business of strengthening the Tribe's sovereign status.

Sincerely,

Larry C. Lasley Sr., Executive Director

QUESTIONS AND ANSWERS REGARDING FULL FAITH AND CREDIT

Q: What is full faith and credit?

A: Full faith and credit is a legal concept that allows one jurisdiction (such as a state or tribe) to recognize and enforce the judgments, orders, and decrees of courts in another jurisdiction.

Q: What do the changes to the Tribe's laws regarding full faith and credit do?

A: The changes to the Tribe's laws allow the Tribe to recognize and enforce the judgments, orders, and decrees of *some* federal, state, and other tribal courts. This recognition and enforcement will happen if the other jurisdiction (federal, state, or tribal) also has a law saying that it will recognize and enforce the judgments, orders, and decrees of the courts of the Meskwaki Tribe. If the jurisdiction does not have a law like that, the Meskwaki Tribe could still recognize the judgments, orders, and decrees of the courts of that jurisdiction, but only if the Tribe wants to, and only if it would be in the interest of justice.

Q: What do the proposed changes to Iowa laws regarding full faith and credit do?

A: The proposed changes to the Iowa laws would allow Iowa to recognize and enforce the judgments, orders, and decrees of the courts of the Meskwaki Tribe. It would do that as long as the Meskwaki Tribe also makes a law saying that it will recognize and enforce the judgments, orders, and decrees of the Iowa courts.

Q: Does full faith and credit decrease the Tribe's sovereignty?

A: No! Full faith and credit does *not* decrease the Tribe's sovereignty. In fact, it is only possible *because of* the Tribe's sovereignty. The Tribe would still have jurisdiction over the same people and land that it has right now, but the ability to enforce Tribal Court judgments, orders, and decrees would be *expanded*. The laws of Iowa would not apply to the Tribe, but the Tribe would be able to recognize and enforce the judgments, orders, and decrees of Iowa courts.

Q: Is full faith and credit a new idea?

A: No. Full faith and credit is an idea that has been around for hundreds of years. In fact, the United States Constitution requires states to give full faith and credit to other states. The idea of full faith and credit between states and tribes is not new either. Many states have laws of this kind, some dating back more than a hundred years, and others recently passed. Indeed, it makes sense for there to be full faith and credit between states and tribes, since they are both sovereign governments.

Q: Why is full faith and credit important?

A: Full faith and credit is important for many reasons. First, and most importantly, full faith and credit protects public safety. For example, with full faith and credit, a battered woman and her children who have an order for protection from the Meskwaki Tribal Court would be safe

both on and off of the Meskwaki Settlement. Likewise, Meskwaki police would be able to enforce an Iowa (or other jurisdiction) order for protection in order to protect a battered women and her children. Full faith and credit would also protect runaway children, children in need of protection, and others subject to court orders both in Iowa and on the Meskwaki Settlement. Second, full faith and credit ensures that things like Tribal Court divorce decrees, child custody orders, and child support orders would be recognized and enforced in Iowa. Third, full faith and credit would allow Tribal Court money judgments to be enforced in Iowa. That means that if there is a money judgment against a person or company, that person or company cannot escape enforcement of that money judgment simply by leaving the Settlement. In some cases, the Tribe would recognize and enforce the judgments, orders, and decrees of courts from other jurisdictions. However, that enforcement would still occur according to Tribal laws, not the laws of the jurisdiction issuing the judgment, order or decree.

Q: How will full faith and credit affect me?

A: For many people, full faith and credit will not directly affect them. Full faith and credit will only directly affect those people who become involved in court cases, and it won't even affect all of those people. For those people it does affect, it will only mean that a court judgment, order, or decree for or against them may be recognized in additional places.

Q: If I am a litigant in Tribal Court, and I don't like the outcome of my case, doesn't full faith and credit mean that the same outcome I don't like can be enforced in a state court?

A: It is a fact of life that one party to litigation will be disappointed with the outcome. In most cases, this does not mean that there is anything inherently wrong with the outcome. It is true that, with full faith and credit, a judgment from Tribal Court could be enforced in Iowa. Disgruntled litigants may not like this idea. However, in cases where there has been true injustice done, there are ways for some litigants to seek review of a tribal court decision in federal court. It should also be noted that judgments from Meskwaki Tribal Court can already be enforced in some other states (some states recognize the orders of virtually any tribal court).

Q: What if we try full faith and credit, but decide we don't like it?

A: If the Tribe tries full faith and credit for a while, and it doesn't seem to be working to the Tribe's benefit for some reason, there is always the option of changing the Tribe's laws again. Hopefully that won't be necessary, but it is a good safeguard anyway. In that event, the state would probably also stop recognizing the judgments, orders, and decrees of the Meskwaki Tribal Court.